

# **EXHIBIT D**

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC. and  
OTTOMOTTO LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**THIRD JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO EXTEND  
THE DEADLINE UNDER  
PARAGRAPH 15 OF THE INTERIM  
MODEL PROTECTIVE ORDER**

1 Pursuant to Civil Local Rules 6-1(b) and 6-2(a), and upon the accompanying declaration of  
2 Meredith R. Dearborn, dated October 9, 2018 (“Dearborn Decl.”), Plaintiff Waymo LLC and  
3 Defendants Uber Technologies, Inc. and Ottomotto LLC hereby stipulate and agree to the following  
4 one-hundred-and-twenty-day extension, from October 9, 2018 until February 6, 2019, of the  
5 deadline to comply with the requirements of Paragraph 15 of the Interim Model Protective Order:

6 1. On March 16, 2017, the Court ordered that the parties be bound by the Interim  
7 Model Protective Order (the “Protective Order”), a true and correct copy of which is attached as  
8 Exhibit A to the accompanying declaration of Meredith R. Dearborn. *See* Dearborn Decl. ¶ 3.

9 2. Paragraph 15 of the Protective Order provides that, “[w]ithin 60 days after the final  
10 disposition of this action, as defined in paragraph 4, each Receiving Party must return all Protected  
11 Material to the Producing Party or destroy such material,” and further requires each Receiving Party  
12 to certify in writing by the 60-day deadline (1) that all of the material subject to the Protective Order  
13 was returned or destroyed, and (2) that it has not retained copies, abstracts, compilations, or  
14 summaries of material subject to the Protective Order. *See* Dearborn Decl., ¶ 4 and Ex. A.

15 3. The parties settled this lawsuit, and a final disposition was entered on February 9,  
16 2018. *See* Dearborn Decl. ¶ 5.

17 4. Each Receiving Party, as defined by Paragraph 2.17 of the Protective Order, had  
18 sixty days from that final disposition, until April 10, 2018, to comply with the requirements of  
19 Paragraph 15. *See* Dearborn Decl. ¶ 5 and Ex. A.

20 5. On April 6, 2018, the parties filed a stipulation and proposed order extending the  
21 deadline to comply with Paragraph 15 until June 11, 2018, citing the pendency of related matters  
22 that impose document preservation obligations on the parties that conflict with Paragraph 15’s  
23 requirements. *See* Dearborn Decl. ¶ 6. The parties further indicated that they “might hereafter  
24 request additional time if those obligations have not been satisfied.” *Id.*

25 6. The Court approved the stipulation and signed the proposed order on April 9, 2018.  
26 *See* Dearborn Decl. ¶ 7 and Ex. B.

1           7.       On June 7, 2018, the parties filed a second stipulation and proposed order extending  
2 the deadline to comply with Paragraph 15 for another 120 days, until October 9, 2018. *See*  
3 Dearborn Decl. ¶ 8.

4           8.       The Court approved the stipulation and entered the proposed order on June 11, 2018.  
5 *See* Dearborn Decl. ¶ 8 and Ex. C.

6           9.       The parties agree that additional time is still needed to satisfy conflicting  
7 preservation obligations, and that the parties may still hereafter request additional time if those  
8 obligations have not been satisfied. *See* Dearborn Decl. ¶ 8.

9  
10  
11           **IT IS SO STIPULATED**

12  
13 DATED: October 9, 2018

QUINN EMANUEL URQUHART & SULLIVAN LLP

14  
15 By: /s/ David A. Perlson  
David A. Perlson  
16 Attorneys for Plaintiff WAYMO LLC

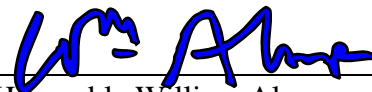
17  
18 DATED: October 9, 2018

BOIES SCHILLER FLEXNER LLP

19  
20 By: /s/ Meredith R. Dearborn  
Meredith R. Dearborn  
21 Attorneys for Defendants UBER TECHNOLOGIES,  
22 INC. and OTTOMOTTO LLC

23  
24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25  
26 DATED: October 9, 2018

  
27 Honorable William Alsup  
28

**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

DATED: October 9, 2018

By: /s/ Meredith R. Dearborn  
Meredith R. Dearborn